No. 15465

IN THE

United States Court of Appeals

FOR THE NINTH CIRCUIT

JAMES CALEB SANDNER, JR.,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

BRIEF OF APPELLEE.

LAUGHLIN E. WATERS,
United States Attorney,

LOUIS LEE ABBOTT,
Assistant U. S. Attorney,
Chief, Criminal Division,

JOHN K. DUNCAN,
Assistant U. S. Attorney,

600 Federal Building,
Los Angeles 12, California,

Attorneys for Appellee,
United States of America.

Parker & Son, Inc., Law Printers, Los Angeles. Phone MA. 6-9171.

TOPICAL INDEX

TABLE OF AUTHORITIES CITED

Cases

Regulations

Statutes

No. 15465

IN THE

United States Court of Appeals

FOR THE NINTH CIRCUIT

JAMES CALEB SANDNER, JR.,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

BRIEF OF APPELLEE.

I.
STATEMENT OF JURISDICTION.

Appellant was indicted by the Federal Grand Jury in and for the Southern District of California on May 23, 1956, under Section 462 of Title 50, Appendix, United States Code, for refusing to submit to induction into the Armed Forces of the United States [Clk. Tr. pp. 1 and 2]. Appellant was duly arraigned before the Honorable William C. Mathes, United States District Judge, on June 18, 1956. A plea of "Not Guilty" was entered and the case was set for trial. Trial was commenced on October 18, 1956 before the Honorable Leon R. Yankwich in the United States District Court for the Southern District of California. On October 19, 1956 appellant was found guilty as charged in the Indictment. Appellant was

sentenced on November 5, 1956 to the custody of the Attorney General for imprisonment for a period of one year.

The District Court had jurisdiction of the Cause of action under Section 462, Title 50, Appendix, United States Code, and Section 3231, Title 18, United States Code. This Court has jurisdiction under Section 1291, Title 28, United States Code.

II.
STATUTE INVOLVED.

The Indictment in this case was brought under Section 462 of Title 50, Appendix, United States Code. The Indictment charges a violation of Section 462 of Title 50, Appendix, United States Code, which provides in pertinent part:

> "(a) Any . . . person charged as herein provided with the duty of carrying out any of the provisions of this Title (Sections 451-470 of this Appendix), or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty . . . or who in any manner shall knowingly fail or neglect to perform such duty . . . or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under oath in the execution of this Title (said Sections), or rules, regulations, or directions made pursuant to this Title (said Sections) . . . shall, upon conviction in any District Court of the United States of competent jurisdiction, be punished by imprisonment for not more than 5 years or a fine of not more than $10,000, or by both such fine and imprisonment. . . ."

III.
STATEMENT OF THE CASE.

The Indictment returned on May 23, 1956, charges that the appellant was duly registered with Local Board No. 11, Newport, Kentucky. He was thereafter classified I-A and notified to report for induction in the Armed Forces of the United States on December 5, 1955, in Los Angeles County, California. The Indictment charges that the defendant at that time and place did knowingly fail and refuse to be inducted into the Armed Forces of the United States. On June 18, 1956 appellant was arraigned before the Honorable William C. Mathes, United States District Judge. A plea of "Not Guilty" was entered and the case was set for trial. Trial was commenced on October 18, 1956 before the Honorable Leon R. Yankwich without a jury. Pursuant to stipulation, a photostatic copy of appellant's Selective Service file was placed into evidence. On October 19, 1956 appellant was found guilty as charged in the Indictment. On November 5, 1956 appellant was sentenced to the custody of the Attorney General for imprisonment for a period of one year. Motion for a new trial was made and denied on November 14, 1956, at which time Notice of Appeal was filed and bail pending appeal fixed at $2,500.

Appellant relies upon the following points in the prosecution of his appeal:

1. Appellant's Selective Service Classification of I-A was arbitrary and capricious and without basis in fact.
2. Appellant was denied procedural due process because of the failure to grant him a hearing before a Department of Justice Hearing Officer prior to the Appeal Board Classification of September 23, 1955.

IV.
STATEMENT OF THE FACTS.

Appellee adopts generally the statement of facts presented by appellant in his Opening Brief. However, appellee wishes to emphasize the following facts, inasmuch as they are crucial to the ultimate disposition of this case.

Appellant registered under the Universal Military Training and Service Act with Local Board No. 11, Newport, Kentucky, on September 18, 1948. Appellant moved to Southern California in the Fall of 1951 and apparently has continued living there up to the present time. The first classification pertinent to the instant prosecution is a classification of I-A, arrived at by Local Board No. 11 on September 9, 1953.* Appellant appealed this classification and the Appeal Board forwarded the Selective Service file to the United States Attorney for a recommendation by the Department of Justice pursuant to 32 C. F. R. 1626.25. Accordingly, a Hearing on appellant's claim for exemption as a conscientious objector was given to appellant on August 17, 1954 before Louis J. Euler, a Department of Justice Hearing Officer for the Southern District of California. The Hearing

---

*Appellee regrets that it is impossible to indicate pagination in Exhibit 2, which is a photostatic copy of the Selective Service file of registrant. At the time the Exhibit was placed into evidence, there were no page numbers indicated on it. The Exhibit is in chronological order, however, and the Minutes of Action of the Local Board and Appeal Board will be found attached to the Selective Service System Form 100, which bears the title, "Selective Service System Classification Questionnaire."

Officer recommended that registrant's claim as a conscientious objector be not sustain. (See letter of December 6, 1954 to Chairman, Appeal Board, Eastern District of Kentucky, Appendix A.) After receiving the recommendation of the Hearing Officer, the Department of Justice recommended to the Appeal Board for the Eastern District of Kentucky that appellant's claim as a conscientious objector be not sustained (letter dated December 6, 1954, Appendix A). On January 7, 1955 appellant was classified I-A by the Appeal Board for the Eastern District of Kentucky. On May 4, 1955 appellant's classification was reopened by Local Board No. 11, apparently as a result of the ruling of the Supreme Court in *Gonzales v. United States,* 348 U. S. 407 (see letter dated May 4, 1955 addressed to Mr. James Caleb Sandner, Jr.) appellant was classified I-A. By letter dated May 11, 1955 appellant appealed the I-A classification. He also requested a personal appearance before the Local Board, which request was granted and appellant advised by a letter from the Local Board on May 23, 1955. Appellant then requested, by letter of June 1, 1955, that he be granted a personal hearing before a Local Board in the Los Angeles, California, area. The Local Board, after corresponding with the Kentucky State Selective Service Headquarters, advised appellant by letter on June 9, 1955 that his request for a personal appearance before a Board in Los Angeles, California, was denied. Appellant was also requested in this letter to furnish any additional evidence substantiating his conscientious objector

claim, in order that it might be before the Appeal Board at the time it classified appellant.

Appellant did not appear for his personal hearing before Local Board No. 11 on June 8, 1955. Appellant's file was forwarded to the Appeal Board by the Local Board and by the Appeal Board to the United States Attorney for the Eastern District of Kentucky for a Department of Justice recommendation. By letter dated July 12, 1955 the United States Attorney for the Eastern District of Kentucky returned appellant's file to the Appeal Board, with the recommendation that the Appeal Board send a copy of the recommendation of the Department of Justice of December 6, 1954 to appellant and inform him that he had thirty days to file a written reply. Accordingly, a copy of the Department of Justice recommendation was sent to appellant on July 20, 1955. By letter dated August 15, 1955 appellant replied to the Appeal Board, and set out information substantiating his claim as a conscientious objector. On September 23, 1955 the Appeal Board for the Eastern District of Kentucky classified appellant I-A. Appellant was ordered to report for induction by Local Board No. 106, a Transfer Board in Los Angeles, California. Appellant was to report on December 5, 1955; appellant appeared at the Induction Station as directed, but refused to be inducted into the Armed Forces.

V.
ARGUMENT.

1. There Was a Basis in Fact for Appellant's Classification.

It has long been settled that the scope of review to which a Selective Service registrant is entitled in a prosecution for refusing to submit to induction is quite limited. "The provision making the decisions of the Local Boards 'final' means to us that Congress chose not to give administrative action under this Act the customary scope of judicial review which obtains under other statutes. It means that the Courts are not to weigh the evidence to determine whether the classification made by the Local Boards was justified. The decisions of the Local Board made in conformity with the regulations are final, even though they may be erroneous. The question of jurisdiction of the Local Board is reached only if there is no basis in fact for the classification which it gave the registrant." *Estep v. United States,* 327 U. S. 114 at page 122 (1946). "If the facts are disputed, the Board bears the ultimate responsibility for resolving the conflict—the Courts will not interfere." *Dickinson v. United States,* 346 U. S. 389 at page 396 (1953).

It is respectfully submitted that a cursory examination of appellant's Selective Service file readily establishes "basis in fact" for a I-A Classification. It will be noted that appellant claimed conscientious objector status as early as July 10, 1949, when he filed his Selective Service System Classification Questionnaire. The résumé of the

FBI investigation, which investigation was conducted after appellant's appeal of his I-A Classification of September 9, 1953, was prepared on June 15, 1954. An examination of the investigative résumé clearly indicates that there were more than ample objective acts upon which the Appeal Board could base a I-A Classification. Inasmuch as the Appeal Board was dealing with the subjective state of mind of appellant, it was proper to consider his objective acts in determining his subjective state of mind. ". . . The ultimate question in conscientious objector cases is the sincerity of the registrant in objecting, on religious grounds, to participation in war in any form. In these cases, objective facts are relevant insofar as they help in determining the sincerity of the registrant in his claimed belief, purely a subjective question. In conscientious objector cases, therefore, any fact which casts doubt on the veracity of the registrant is relevant . . . in short, the nature of the registrant's prima facie case determines the type of evidence needed to rebut his claim." *Witmer v. United States,* 348 U. S. 375 at page 381 (1955).

The investigative résumé indicates, among other things, that appellant drank to excess on several occasions. It indicates that on November 25, 1952 appellant was convicted of drunk driving in Santa Monica, California. It indicates that three former employers of appellant would not consider re-hiring him because he was considered "a smart aleck," he drank on the job, and he used rough language around customers. It further indicates that while attending the University of Kentucky appellant engaged in physical combat with another student and gave the boy quite a beating, in spite of the fact that the other boy was unwilling to fight. It is note-

worthy here that appellant indicated in his Special Form for Conscientious Objector filed on July 13, 1949, "Under no circumstances whatsoever do I believe in the use of force."

At page 12 in the brief for defendant-appellant, it is stated: "There is absolutely no evidence whatever in the Draft Board file that appellant was willing to do military service." This statement clearly represents appellant's misconception of the law. The burden was at all times on appellant to establish his exemption from military service. *Gaston v. United States,* 222 F. 2d 818 (C. A. 4, 1955). 32 C. F. R. 1622.1(c) states, in pertinent part, as follows: ". . . Each registrant will be considered as available for military service until his eligibility for deferment or exemption from military service is clearly established to the satisfaction of the Local Board." Appellee submits that the net result of the law as applied to the facts of appellant's case clearly establish that there was substantial basis in fact for the I-A Classification given appellant.

2. Appellant Was Not Denied Procedural Due Process Because of the Failure to Grant Him a Hearing Before a Department of Justice Hearing Office Prior to the Appeal Board Classification of September 23, 1955.

This issue was clearly presented to the Court below [Tr. p. 74, *et seq.*].

The facts here are not disputed that on May 4, 1955, appellant was classified I-A by Local Board No. 11, Newport, Kentucky, and that a valid appeal was taken from this classification. Appellant was, on September 23, 1955, classified I-A by the Appeal Board for the Eastern District

of Kentucky. Prior to this classification by the Appeal Board, appellant was given no hearing before a Department of Justice Hearing Office, nor was an investigation conducted by the Federal Bureau of Investigation. There had been, however, a classification of I-A arrived at on January 7, 1955, by the Appeal Board. Prior to this classification, appellant had been given a hearing before a Department of Justice Hearing Officer, and the Federal Bureau of Investigation had conducted an investigation. The question here presented is whether or not appellant was entitled to have his case again referred to the Department of Justice, and to have an additional investigation by the Federal Bureau of Investigation.

This Court has ruled on a similar point on two occasions. The point was first considered in the case of *Davidson v. United States,* 218 F. 2d 609 (9th Cir.) (certiorari granted and remanded to Circuit Court on other grounds on May 9, 1955, 348 U. S. 407), where there was a second appeal by the registrant following an initial appeal in which he was given an investigation and hearing by the Department of Justice. On the second "appeal" he was not given the hearing. The Court observed (at pp. 611-612):

> "The record here discloses that after the registrant's appeal in 1950, no additional evidence was brought to the attention of the Local Board which would in any way affect his classification as I-A. The record reveals only that there was a postponement of his induction for the purpose of continuing his studies, and this postponement was cut short because of his failure to satisfactorily pursue his course of instruction as a fourth year university student majoring in Political Science. The record submitted to the Appeal Board contained nothing new which

> could affect its prior decision. An alert Hearing Officer first saw the mistake and advised Davidson that he was not entitled to a second hearing because he had already had one . . . We are of the view that this conclusion was correct and it was not incumbent upon the Department to grant Davidson a hearing on this second occasion of his appearing before the Hearing Officer . . . to require appeal boards and the Department of Justice to consider and reconsider cases of this nature at the whim of the registrants would unnecessarily tend to confuse the Appellate procedures and would be violative of the system set forth with preciseness in paragraph 6(j)."

Whether or not a registrant is entitled to repetitious hearings was again discussed by this Court in the case of *Clark v. United States,* 236 F. 2d 13 (C. A. 9, 1956). The Court there stated at page 21:

> "Even if it were held that his claim were within the definition, he still was not entitled to a second hearing and investigation, due to the fact that he had already had one hearing and had made no claim of change of belief since his first denial of conscientious objector status. A registrant is not entitled to repetitious determination of identical issues."

The Court further stated, at page 22:

> "We find in the instant case no denial of due process because of the denial of the second hearing."

It is noteworthy that the Court in its opinion referred to two cases which had held it was error to deny a registrant an investigation and hearing. These cases are: *DeMoss v. United States,* 349 U. S. 918; and *Dates v. United States,* 348 U. S. 966. In both these cases the

Supreme Court in very brief *per curiam* opinions reversed the courts below because no hearing had ever been granted the registrant. In spite of these cases the court held there was no denial of due process where the registrant had had one hearing on his claim as a conscientious objector.

Appellant argues that there was new and additional evidence submitted to the Local Board after his hearing on August 17, 1954, which required that appellant be given another hearing on his last appeal. The only new evidence offered by appellant after his hearing on August 17, 1954, was a copy of his Jehovah's Witnesses' Identification Card, which he sent to Local Board No. 11 on May 11, 1955. This evidence in no way indicated any change of belief on the part of appellant, for appellant had indicated as early as July 13, 1949, in his Special Form for Conscientious Objector, that he was a member of Jehovah's Witnesses. Hence, the issues were identical and a further hearing would have been nothing more than "repetitious determinations of identical issues."

Appellant can show in no way that he was damaged or prejudiced by the failure to grant him an additional hearing. This Court has recognized that a registrant cannot complain where there is a failure to comply with statutory directive in the absence of being able to show prejudice. *Uffelman v. United States,* 230 F. 2d 297 (C. A. 9); *Kaline v. United States,* 235 F. 2d 54 (C. A. 9); *Frank v. United States,* 236 F. 2d 39 (C. A. 9); and *Clark v. United States (supra).*

Is it possible for appellant to show prejudice here? The recommendation of the Department of Justice sent to the Appeal Board for the Eastern District of Kentucky on December 6, 1954 (set out in Appendix A) indicates

that appellant appeared before the Hearing Officer accompanied by his father. The adverse information contained in the résumé of the FBI Investigative Report appears to have been fully discussed at the hearing, for appellant's statements with regard to the adverse information are set out. It is apparent from appellant's letter of August 15, 1955, to the Appeal Board for the Eastern District of Kentucky (set out in Appendix B) that appellant ably presented his side of the case for a I-O classification prior to the Appeal Board classification of September 23, 1955, the classification out of which the prosecution arose.

Would an additional appearance before a Hearing Officer have served any useful purpose? Appellant's appearance before a Hearing Officer was on August 17, 1954; his reply to the Appeal Board was almost one year later, on August 15, 1955. A comparison of appellant's statements made on the two occasions indicates that appellant was, on the latter occasion, still trying to explain the same adverse information that was before the Hearing Officer in 1954. This indicates that if there had been an additional hearing prior to the last Appeal Board classification, such a hearing would have resulted in nothing more than "repetitious determinations of identical issues."

Accordingly, appellee submits that appellant can show no prejudice or damage by the failure to grant him a second hearing, because the record clearly shows that he made no claim of change of belief or change in circumstances after his hearing, or prior to the time of the Appeal Board classification.

VI.
CONCLUSION.

For the above-stated reasons, appellee respectfully submits that the judgment should be affirmed.

Respectfully submitted,

LAUGHLIN E. WATERS,
United States Attorney,

LOUIS LEE ABBOTT,
Assistant U. S. Attorney,
Chief, Criminal Division,

JOHN K. DUNCAN,
Assistant U. S. Attorney,

Attorneys for Appellee,
United States of America.

EXHIBIT A.

DEPARTMENT OF JUSTICE
Washington, D. C.

Dec. 6, 1954

Chairman, Appeal Board, Eastern
District of Kentucky
Selective Service System
201 Switow Building
218 E. Main Street
Lexington, Kentucky

Re: James Caleb Sandner, Jr.
Conscientious Objector

Dear Sir:

As required by section 6 (j) of the Universal Military Training and Service Act, an inquiry was made in the above-mentioned case and an opportunity to be heard on his claim for exemption as a conscientious objector was given to the registrant by Honorable Louis J. Euler, Hearing Officer for the Southern District of California.

The registrant is twenty-three or twenty-four years of age, unmarried, and resides in Pacific Palisades, California. He is a member of Jehovah's Witnesses, of which his parents are also members. He attended the Newport (Kentucky) High School and the University of Kentucky but did not graduate from the latter institution. He claims exemption both from combatant and noncombatant service.

Attached hereto and made a part hereof is a résumé of the investigative report made in this matter.

The registrant personally appeared at a hearing in response to the notice mailed to him, accompanied by his

father. The registrant did not base his claim on the teachings or doctrines of the Jehovah's Witnesses, nor any other organization or denomination. He stated that his claim is founded upon his training and belief in the Bible which outlines that Jesus is the Commander of the Army and that he is a part of that army. He denied that he was a pacifist but he would only fight if God commanded him to fight. On the other hand, he also stated that he could not kill anyone and that when Christ was on earth He was not a warrior. Registrant's attention was called to SSS Form No. 150, filed July 18, 1949, in which he stated he would not use force under any circumstances and to a later SSS Form No. 150 in which he indicated that he would use force to defend himself, his loved ones and other members of Jehovah's Witnesses.

In regard to the résumé of the investigative report, the registrant admitted that he had been fined for disorderly conduct in Covington, Kentucky, that he was expelled from a dormitory at the University of Kentucky, that on occasions he had been drunk and had used rough language in altercations and that he had not attended meetings of the Jehovah's Witnesses regularly. He also admitted that he had been sentenced to ten days in jail in Santa Monica, California, for driving an automobile while drunk.

The Hearing Officer found that the registrant did not base his claim on the teachings of any organization but upon his own personal moral code, his own personal moral philosophy, and his own sociological views founded upon his interpretation of and conclusions from his study of the Bible. He concluded that his course of conduct clearly was not that of a religious person and that the registrant is inconsistent, insincere and does not make his claim in

good faith. Accordingly, the Hearing Officer recommends that the registrant's claim be not sustained.

After consideration of the entire file and record, the Department of Justice finds that the registrant's objections to combatant and noncombatant service are not sustained. It is, therefore, recommended to your board that the registrant's claim for exemption from both combatant and noncombatant training and service be not sustained.

The Selective Service Cover Sheet in the above case is returned herewith.

Sincerely,

T. Oscar Smith

T. Oscar Smith

Special Assistant to the Attorney General

EXHIBIT B.

August 15, 1955

Appeal Board, Eastern District
of Kentucky
Selective Service System
421 Federal Building
Lexington, Kentucky

Gentlemen:

In reply to the recommendation of the Department of Justice I take this opportunity to explain the facts regarding my claim of Conscientious Objector. The FBI investigative report used in forming these conclusions was completed some eighteen months ago and does not give a complete up to date résumé of my preaching activities and personal life.

The Hearing Officer stated that I did not base my claim on teachings or doctrine of the Jehovah's Witnesses nor any organization or denomination. I am a Jehovah's Witness as proved by evidence presented in my permanent file. It was either misunderstood or unknown to the Hearing Officer that Jehovah's Witnesses do not make or teach anyone not to become a member of the Armed Forces of any nation but do teach that true Jehovah's Witnesses can not become such members because they are already members of an Army led by Jesus Christ as outlined in the Holy Bible. I did deny being a pacifist and further explained my stand as a warrior for right and truth as set forth in the Bible and would fight just as Jehovah's faithful people did against enemies in Bible times. On SSS form #150 filed July 18, 1949 I was not familiar with this question and answered accordingly, but on a later form #150 I qualified my answer to show even though I am neutral toward worldly conflicts

I am not a pacifist and would use force to defend my loved ones, other members of Jehovah's Witnesses and myself.

I was fined for disorderly conduct in Covington, Kentucky as a result of having the auto I drove to work and school towed away and impounded for overtime parking, in an attempt to find it and pay charges against it, I was arrested for not leaving the police station without my auto and walking some ten miles home until they told me where the auto was and I could claim it at some later date. I was expelled from the dormitory at the University of Kentucky over an argument with the director of the dormitories for not playing intramural sports on the dormitory teams because my studies and part time job took all of my free time. It is the rule of the University that any freshman expelled from the dormitories is also expelled from the University, however, my particular case was a personality clash and when brought to the attention of the Dean of Men, it was decided I had really done nothing wrong but left in order to avoid any further situations. Being a young man and away from my home and parental guidance for the first time in my life I did drink alcoholic beverages and learned their effects. I had one altercation with another student at the University who had insulted a young lady in my presence. While attending college I worked at various part time jobs to help pay my way, that along with my study hours hardly allowed time to attend all of the meetings of Jehovah's Witnesses which were held some distance from my room, however, during summer months I did attend regularly at the Covington, Kentucky congregation of Jehovah's Witnesses. I was sentenced to ten days in jail for driving an automobile while drunk in Santa Monica, California but since I was unfamiliar with California laws

I was excused from serving this when it was explained to the local judge my mistake during the session of court. Records will bear this out.

The Hearing Officer stated I did not base my claim on the teachings of any organization but upon my own personal moral code, philosophy, conclusions and study of the Bible. I do have a moral code, philosophy and have studied and made conclusions from the Holy Bible, these all conform with the teachings of Jehovah's Witnesses. But this organization does not make or teach anyone not to become a member of the Armed Forces. As told to the Hearing Officer, any member of the Armed Forces could become a Jehovah's Witness, but no true Jehovah's Witness could become a member of the Armed Forces.

The Hearing Officer concluded my course of conduct was not that of a religious person that I was inconsistent, insincere and did not make my claim in good faith but he had judged me without offering me an opportunity to identify and hear those who offered information either because of evil motive, lack of knowledge or other grounds. I demand a copy of the FBI report so I might answer these informants thereby protect myself and my rights under the law. The Hearing officer relied on the evidence supplied by informants which I challenge and until now have no way of saying whether I know these informants or facts stated against me. It is necessary for me to have the names and addresses of these informants which I will learn when I read this report in order to protect myself.

I did make a change in SSS form #150, as I studied the Bible more thoroughly, but I hardly feel this makes me inconsistent. If I were insincere, I would have been in and out of the Armed Forces long ago but I have re-

mained consistent even facing fine and imprisonment once for refusing to be inducted into the Armed Forces. If insincere I would never had done this. Before this Selective Service Act went into effect, I requested and was granted exemption from Military Science at the University of Kentucky based on my claim of being a Conscientious Objector. This could hardly be deemed inconsistent. I have been conducting a weekly Bible study teaching Bible facts with the help of accepted literature of Jehovah's Witnesses for over two years and regularly attend meetings and assemblies of Jehovah's Witnesses and also participate in door to door preaching work.

The recommendation I am answering is based on this secret FBI investigative report and this is not even included in my file. I request this report to be included in my file so that additional favorable evidence in it may be considered by your board. I feel that I will be tried behind my back and denied a fair hearing unless I am supplied with the secret FBI investigative report. It was definitely used in making the recommendation and this recommendation is based upon the secret investigative report, but I was not given a copy of it and the meager summary of it supplied me and included in my file is entirely inadequate to enable me to protect my rights and defend myself before the appeal board.

Please do not take any further action in my case unless and until the FBI report is supplied to me and I have an opportunity to consider it and answer it before your board reached its final decision.

Sincerely,

James Caleb Sandner Jr.
James Caleb Sandner Jr.
SS No. 15-11-30-218